

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
JUDICIARY**

**Wednesday, December 7, 2005**

**10:30 a.m.**

**Room 308 House Office Building**

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The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

**MEMBERS PRESENT:** Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith.

**MEMBERS ABSENT/EXCUSED:** Representatives David Law and McConico.

**Representative Bieda** moved to adopt the minutes of the **November 9** and **November 30, 2005** meetings. The motion was supported by **Representative Condino**. There being no objection, the motion prevailed by unanimous consent.

**Chairman Van Regenmorter** laid **HB 5198** before the committee:

HB 5198	Schuitmaker	Family law; marriage and divorce; provision regarding pensions in divorce; modify.
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**TESTIMONY**

**Representative Schuitmaker**, sponsor of **HB 5198**, explained her bill to the committee.

**Kent Weichmann**, representing the Family Law Section, testified in support of the bill.

**Representative Bieda** moved to adopt the substitute (**H-1**) to **HB 5198**. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **11-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

**Representative Jones** moved to report **HB 5198** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **10-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

**Chairman Van Regenmorter** laid **SB 686** before the committee.

SB 686     Birkholz             Crimes; trespassing; trespass upon a critical infrastructure; prohibit and provide penalties.

**TESTIMONY**

**Amanda Price**, from Senator Birkholz's office, testified in support of the bill.

**Andy Such**, representing the Michigan Chemistry Council, testified in support of the bill.

**Chairman Van Regenmorter** laid **HB 5270** before the committee.

HB 5270   Jones             Crimes; weapons; peace officer intentionally pointing and discharging a firearm without malice in performing his or her duties; clarify exemption from prosecution.

**TESTIMONY**

**Representative Jones**, sponsor of HB 5270, explained his bill to the committee.

**Sgt. Matt Bolger**, representing the Michigan State Police, testified in support of the bill.

**Matt Wesan**, representing the Michigan State Police Troopers Association, submitted a card in support of the bill and did not wish to speak.

**Tim Ward**, representing the Police Officers Association of Michigan, submitted a card in support of the bill and did not wish to speak.

**Phil Hoffman**, representing the Michigan Sheriffs Association, submitted a card in support of the bill and did not wish to speak.

**Jim Curran**, representing the Michigan Association of Police Organizations, submitted a card in support of the bill and did not wish to speak.

**Representative Jones** offered the following amendments to **HB 5270**:

1. Amend page 1, line 5, after "**OF**" by inserting "**NOT MORE THAN**".
2. Amend page 1, line 5, after "**THAN**" by striking out "**90**" and inserting "**93**".
3. Amend page 2, line 3, after "**MEANS**" by striking out the balance of the subsection and inserting "**THAT TERM AS DEFINED IN SECTION 215.**".

4. Amend page 3, line 2, after “MEANS” by striking out the balance of the subsection and inserting “**THAT TERM AS DEFINED IN SECTION 215.**”.

5. Amend page 4, line 1, after “MEANS” by striking out the balance of the subsection and inserting “**THAT TERM AS DEFINED IN SECTION 215.**”.

6. Amend page 4, line 27, after “MEANS” by striking out the balance of the subsection and inserting “**THAT TERM AS DEFINED IN SECTION 215.**”.

**Representative Jones** moved to adopt the amendments to **HB 5270**. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **12-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

**Representative Newell** moved to report **HB 5270** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **11-2-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Adamini, Bieda and Virgil Smith,

Nays: Representatives Lipsey and Condino,

Pass: None.

The committee returned to the consideration of **SB 686**.

**Chairman Van Regenmorter** offered the following amendments to **SB 686**.

1. Amend page 2, line 2, by striking out all of subdivision (C) and inserting:

**"(C) AN ELECTRIC UTILITY FACILITY, INCLUDING, BUT NOT LIMITED TO, A POWER PLANT, A POWER GENERATION FACILITY PEAKER, AN ELECTRIC TRANSMISSION FACILITY, AN ELECTRIC STATION OR SUBSTATION, OR ANY OTHER FACILITY USED TO SUPPORT THE GENERATION, TRANSMISSION, OR DISTRIBUTION OF ELECTRICITY. ELECTRIC UTILITY FACILITY DOES NOT INCLUDE ELECTRIC TRANSMISSION LAND OR RIGHT-OF-WAY THAT IS NOT COMPLETELY ENCLOSED, POSTED, AND MAINTAINED BY THE ELECTRIC UTILITY."**

2. Amend page 2, line 5, by striking out all of subdivision (E) and inserting:

**"(E) A NATURAL GAS UTILITY FACILITY, INCLUDING, BUT NOT LIMITED TO, AGE STATION, COMPRESSOR STATION, ORDERIZATION FACILITY, MAIN LINE VALVE, NATURAL GAS STORAGE FACILITY, OR ANY OTHER FACILITY USED TO SUPPORT THE ACQUISITION, TRANSMISSION, DISTRIBUTION, OR STORAGE OF NATURAL GAS. NATURAL GAS UTILITY FACILITY DOES NOT INCLUDE A GAS TRANSMISSION PIPELINE PROPERTY THAT IS NOT COMPLETELY ENCLOSED, POSTED, AND MAINTAINED BY THE NATURAL GAS UTILITY."**

3. Amend page 3, following line 3, by inserting:  
"Enacting section 1. This amendatory act takes effect April 15, 2006."

**Representative Bieda** moved to adopt the amendments. The motion was supported by **Representative Rocca**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Elsenheimer** moved to report **SB 686** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Chairman Van Regenmorter** laid **SB 685** before the committee.

SB 685	Birkholz	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of trespass upon a critical infrastructure; enact.
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**Chairman Van Regenmorter** offered the following amendment to **SB 685**:

1. Amend page 2, following line 12, by inserting:  
"Enacting section 1. This amendatory act takes effect April 15, 2006." and renumbering the remaining enacting section.

**Representative Newell** moved to adopt the amendment. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Jones** moved to report **SB 685** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Rocca**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Rocca** moved to excuse absent members from committee. The motion was supported by **Representative Lipsey**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:48 a.m.

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**Representative William Van Regenmorter, Chair**

**House Standing Committee on Judiciary**

Malika Abdur-Rashid

Committee Clerk

517-373-7256

1 Hour 18 minutes